IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY
WRIT PETITION NO : 9925 of 2004

Between:
Settipalli Kalpana, w/o Ramesh, Ambapuram village, Nellore Mandal, Nellore District.

..... PETITIONER

AND

1 District Collector, Nellore.
2 Joint Collector, Nellore.
3 Revenue Divisional Officer, Nellore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in not passing any orders either on stay Petition or in the Revision Petition filed by the petitioner against the orders of the 2nd Respondent passed in D.Dis.(E)258/2003 dated 10-3-2004 , whereunder he directed the 3rd Respondent herein to take fresh action to fill up the vacancy of Fair Price Shop of Ambapuram Village, Nellore Mandal, Nellore District, on permanent basis and the consequential Notification Rc.C.1070/2002 dated 25-5-2004, issued by the 3rd Respondent in so far as Fair Price Shop of Ambapuram Village is concerned as illegal, arbitrary and contrary to the Provisions of A.P. State Public Distribution System Control Order 2001, and consequently set-aside the Notification Rc.C.1070/2002 dated 25-5-2004 issued by the 3rd Respondent in so far as Fair Price Shop of Ambapuram Village, Nellore Mandal and District,

For the Petitioner: MR.V.SUDHAKAR REDDY, Advocate

For the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner, who was appointed as a Fair Price Shop Dealer on permanent basis. But, however, her appointment was assailed by an unsuccessful candidate in an appeal before the Joint Collector and the same was dismissed even in the absence of the appellant by name Kum.Jammalla Rama Devi. But, the appellate authority while dismissing the appeal, set aside even the appointment of the petitioner even though the petitioner was not made a party to the appeal and was not even issued any notice and heard. Therefore, the petitioner filed a revision before District Collector and pending the revision, it is stated that the petitioner also sought for stay of the order of the appellate authority. But, however, the District Collector did not pass any orders. Therefore, the petitioner has come up with the present writ petition, as the third respondent has issued notification calling for applications for filling up of the vacancy in pursuance of the order of the appellate authority.

2. The learned counsel for the petitioner contended that if the said proceedings are allowed to continue and if a third person is appointed, the petitioner's rights would get infringed and the issue would get complicated. Therefore, he sought for stay of the proceedings of the third respondent in calling for applications and carrying on the selection process for appointment of a permanent

Fair Price Shop Dealer in pursuance of the orders of the appellate authority.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

4. As the issue of selection and appointment of the petitioner is still pending before the revisional authority, pending the said revision, the third respondent ought not have proceeded with issuance of notification and selection of a permanent Fair Price Shop Dealer. If the petitioner succeeds before the revisional authority, the entire exercise of the third respondent would be futile and unnecessary.

5. Under the above circumstances, the writ petition is disposed of with a direction to the first respondent-District Collector to dispose of the revision of the petitioner expeditiously. Pending disposal of the above revision, the third respondent is directed not to proceed with the filling up of the vacancy of Fair Price Shop Dealer in respect of Fair Price Shop at Ambapuram Village, Nellore Mandal & District, on permanent basis. No costs.

18th June' 2004

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

To

1 District Collector, Nellore.
2 Joint Collector, Nellore.
3 Revenue Divisional Officer, Nellore.
4 Two CCs to G.P. for Civil Supplies, High Court Buildings, Hyderabad.
5 Two CDs.

Note: Furnish CC by tomorrow.

(B/O)

VGB